

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

HERMAN WHITE,

Petitioner,

v.

Civil Action No. 3:16CV159

DEPARTMENT OF CORRECTIONS,

Respondent.

**MEMORANDUM OPINION**

Petitioner, a Virginia prisoner proceeding *pro se*, submitted this action which apparently sought to challenge his state conviction. By Memorandum Order entered on March 22, 2016, the Court informed Petitioner that if he wished to challenge his state conviction, he must complete and return the standardized form for seeking relief under 28 U.S.C. § 2254 within twenty (20) days of the date of entry thereof. The Court warned Petitioner that the failure to complete and return the form in a timely manner would result in the dismissal of the action. *See* Fed. R. Civ. P. 41(b). By Memorandum Order entered on May 13, 2016, the Court granted Petitioner and an additional eleven (11) days to comply with the March 22, 2016 Memorandum Order.

More than eleven (11) days have passed since the entry of the May 13, 2016 Memorandum Order and the Court has not received the completed § 2254 form from Petitioner. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. A certificate of appealability is DENIED.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 6/8/16  
Richmond, Virginia

*IS/BJ*  
John A. Gibney, Jr.  
United States District Judge